REMARKS

In the Office Action[1], the Examiner:

> rejected claims 1-8, 10, and 18-23 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter; and

> rejected claims 1-8 and 10-23 under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,771,291, to DiStefano, III ("DiStefano").

By this reply, Applicant propses to amend claims 19-23. Claims 1-8 and 10-23 are pending.

Applicant respectfully traverses the rejection of claims 1-8, 10, and 18-23 under 35 U.S.C. § 101.

The MPEP states:

> Computer programs are often recited as part of a claim. USPTO personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. *See* M.P.E.P. § 2106.01 (emphasis added).

Because each of these claims are directed to an otherwise statutory machine or manufacture, the claims comply with 35 U.S.C.§ 101.

In maintaining this rejection, the Examiner suggested that the term "medium" in the claims be amended to recite the term "device." Final Office Action at page 11.

Applicant thanks the Examiner for this helpful suggestion and proposes to amend

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[1]The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

claims 19-24 according to the Examiner's suggestion. Applicant further submits no new search is necessitated by this proposed amendment.

Notwithstanding the proposed amendment to claims 19-24, Applicant submits claims 1 and 8 are statutory under 35 U.S.C. § 101. Claims 1 and 8 are drawn to a "[a] system for generating a user interface" which is a statutory category of invention. Regardless of whether a "computer-readable storage medium" or "means for storing" are cited in claims 1 and 8, claims 1 and 8 are statutory because they are drawn to a system. In other words, and without conceding that any element of any claim is non-statutory, even if a claim contains an element that may be non- statutory but is part of an otherwise statutory manufacture or machine, "the claim remains statutory irrespective of the fact" that a non-statutory storage medium remains in the claim. Therefore, claims 1 and 8 are statutory under 35 U.S.C. § 101. As such, claims 2-7, 10, and 18 are statutory because the claims from which these claims depend are statutory.

Applicant respectfully traverses the rejection of claims 1-8 and 10-23 under 35 U.S.C. § 102(e) as anticipated by DiStefano.

In order to properly establish that DiStefano anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the … claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). DiStefano does not anticipate the claims at least because it fails to teach each, or even suggest, and every element of the claims.

Claim 1 recites, among other elements, "defining interaction between one or more of the selected GUI components and the web application program, the interaction involving business data and one or more backend systems." DiStefano does not disclose at least an "interaction involving business data and one or more back end systems" (emphasis added).

The Office Action equates the claimed "interaction between selected web components" with "[an example from column 7 of] selecting [a] chick icon and modifying the chick to make a peep noise." Office Action at page 12.

DiStefano discloses that "once a chick icon has been selected from fx menu 430 and is displayed in design space 280 as web asset 305a, the registered user can further modify the chick to make a peep or other noise by selecting the desired noise from the sound menu 540, dragging the noise to the chick and dropping the noise onto the chick." DiStefano col. 7 lines 41-46.

Regardless of whether a "chick icon" making a "peep noise" can constitute the claimed "interaction between web components," disclosure of a "chick icon" and a "peep noise" can in no way constitute the claimed "interaction involving business data and one or more back end systems." Even applying the broadest reasonable interpretation of DiStefano, a "chick icon" making a "peep noise" cannot constitute the claimed business data and does not involve the claimed one or more backend systems.

The Examiner also alleges that DiStefano discloses the claimed "interaction involving business data and one or more backend systems" in the Final Office Action at page 4. Specifically, the Office Action points to DiStefano column 11 lines 40-43 and column 12 lines 35-38. This allegation is not correct.

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The above identified portions of <u>DiStefano</u> disclose ". . . the GUI of system 100 is also capable of adding tables and cells to the website being designed in order to provide depth and perception to the website." <u>DiStefano</u> column 11 lines 40-43. Further, <u>DiStefano</u> states "[t]he fields 1160 can include, for example, fields for the potential customer's (i.e., prospective registered user's) name, address, e-mail address, telephone number, interests, hobbies and businesses." <u>DiStefano</u> column 12 lines 34-38.

Such a disclosure, however, does not constitute the claimed "interaction involving business data and one or more backend systems." The disclosed "tables and cells" do not constitute the claimed "business data." Even if the disclosed "fields" could constitute business data, which Applicant does not concede, <u>DiStefano</u> still fails to disclose the presence or use of the claimed "backend system." There is no disclosure, even when the above identified portion of <u>DiStefano</u> is viewed using the broadest <u>reasonable</u> interpretation of anything that could constitute the claimed "backend system."

Most importantly however, <u>DiStefano</u> fails to disclose any interaction between the alleged business data and the alleged backend systems, in direct contrast with the recitations of claim 1. There is no disclosure in <u>Distefano</u> that either "tables and cells" or "fields" constitute elements of a GUI. Further, there is no disclosure of an interaction between the "tables and cells" and the "fields." As such, there is no disclosure, or even suggestion, of the claimed "defining interaction between one or more of the selected GUI components and the web application program, the interaction involving business data and one or more backend systems."

In short, even if the "chick" making a "peep noise" could constitute an interaction, and even if "tables and cells" and "fields" could constitute business data, there is no disclosure, or suggestion, whether explicit or inherent, of the claimed "defining interaction between one or more of the selected GUI components and the web application program, the interaction involving business data and one or more backend systems."

Independent claims 11 and 19, although of different scope than claim 1, patentably distinguish the cited art for at least reasons discussed above. Claims 2-7, 12-18, and 20-23 are allowable over the prior art at least due to their dependence. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-7 and 11-23 under 35 U.S.C. § 102(e).

Claim 8 recites, among other elements, "a first set of database tables to define screens," and "a second set of database tables based upon the first set of stored database tables." DiStefano does not disclose the claimed "a first set of database tables" and therefore cannot disclose "a second set of database tables based upon the first set of stored database tables."

The Office Action asserts "[c]olumn 5 lines 1-14 clearly describes database tables to define screens including tables that describe graphical user interface screen components, screen layout, component configuration, application model assignment, and event handling." Final Office Action at page 12. The Examiner further asserts "figure 1 also clearly shows items 170 and 190, which show web assets database (second set of database for example) and programming database (first set of database for example)." Final Office Action at page 12. This assertion, however, is not correct.

The above identified portion of DiStefano, in relevant part, discloses that "in the preferred embodiment, the programming required to operate the GUI is provided to potential customers and registered users as software (i.e., on a floppy disk or a CD-ROM), and is stored directly in the programming database 190." DiStefano col. 5 lines 6-10.

Here, the Office Action appears to rely on the word "database" in Distefano to disclose the claimed "a first set of database tables that describe graphical user interface GUI screen components, screen layout, component configuration, application model assignment and event handling," and "a second set of database tables based on the first set of tables," as recited in claim 8. There is no clear disclosure that the disclosed "database" either comprises "database tables" or that such database tables "describe GUI screen components, screen layout, component configureation, application model assignment [or] event handling" at least because disclosure of a "database" does not automatically constitute the claimed "database table." Nowhere does DiStefano disclose any of these elements of claim 8.

Regardless of whether DiStefano shows a "programming database" or a "web assets database" in Figure 1, there is no disclosure that either of these databases in DiStefano contain the claimed "database tables that describe any of screen layout, component configuration, application model assignment [or] event handling." These features are neither explicit nor inherent to the DiStefano disclosure even when DiStefano is given its broadest reasonable interpretation.

<u>DiStefano</u> fails to disclose each and every element of claim 8, Therefore, the rejection of claim 8 should be withdrawn. Claim 10 depends from claim 8. Thus, the rejection of claim 10 should be withdrawn at least due to its dependence on claim 8.

CONCLUSION

Applicant respectfully requests that the Examiner consider this response under 37 C.F.R. § 1.116, placing the pending claims in condition for allowance. Applicant submits that the proposed amendments of claims 19-24 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Accordingly, the proposed amendments are proper.
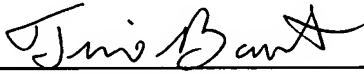
If a telephone interview will expedite issuance of this application, the Examiner is requested to call Applicants' representative whose name and registration number appear below at (202) 408-4214, to discuss any remaining issues.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 12, 2008   By: _____

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